

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MONSANTO COMPANY and  
MONSANTO TECHNOLOGY LLC,  
  
Plaintiffs,  
  
vs.  
  
E.I. DUPONT DE NEMOURS AND  
COMPANY and  
PIONEER HI-BRED INTERNATIONAL,  
INC.,  
  
Defendants.

Case No. 4:09-cv-00686-ERW

### CONSENT MOTION FOR EXTENSION OF TIME

Plaintiffs, Monsanto Company and Monsanto Technology LLC (collectively “Monsanto”), respectfully move for a one-day extension of time, from Friday, March 4, 2011 to and including Monday, March 7, 2011, within which Monsanto shall file and serve Monsanto’s Memorandum in Opposition to Defendants’ Motion to Compel a Finding of Waiver Related to the Filing of U.S. Patent No. RE39,247 (Dkt. # 613).

In support of this motion, Monsanto states that the requested extension is not being advanced for purposes of unnecessary delay, that the requested extension will not impact on the scheduling of this matter. Counsel for Monsanto has conferred with counsel for Defendants, who have consented to the requested extension.

Dated: March 4, 2011

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Joseph P. Conran.  
Joseph P. Conran, E.D.Mo. # 21635MO  
[joe.conran@huschblackwell.com](mailto:joe.conran@huschblackwell.com)  
Omri E. Praiss, E.D.Mo. # 41850MO  
[omri.praiss@huschblackwell.com](mailto:omri.praiss@huschblackwell.com)  
Greg G. Gutzler, E.D.Mo. # 48893MO  
[greg.gutzler@huschblackwell.com](mailto:greg.gutzler@huschblackwell.com)  
Tamara M. Spicer, E.D.Mo. # 54037MO  
[tamara.spicer@huschblackwell.com](mailto:tamara.spicer@huschblackwell.com)  
Steven M. Berezney, E.D.Mo. # 56091MO  
[steve.berezney@huschblackwell.com](mailto:steve.berezney@huschblackwell.com)  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105  
(314) 480-1500 – telephone  
(314) 480-1505 – facsimile

WINSTON & STRAWN LLP  
Dan K. Webb  
[dwebb@winston.com](mailto:dwebb@winston.com)  
George C. Lombardi  
[glombardi@winston.com](mailto:glombardi@winston.com)  
Todd J. Ehlman  
[tehlman@winston.com](mailto:tehlman@winston.com)  
James M. Hilmert  
[jhilmert@winston.com](mailto:jhilmert@winston.com)  
35 W. Wacker Drive, Suite 4200  
Chicago, IL 60601  
(312) 558-5600 – telephone  
(312) 558-5700 – facsimile

John J. Rosenthal  
[jrosenthal@winston.com](mailto:jrosenthal@winston.com)  
Matthew A. Campbell  
[macampbell@winston.com](mailto:macampbell@winston.com)  
Jovial Wong  
[jwong@winston.com](mailto:jwong@winston.com)  
1700 K Street, N.W.  
Washington, DC 20006  
(202) 282-5000 – telephone  
(202) 282-5100 – facsimile

Gail J. Standish  
[gstandish@winston.com](mailto:gstandish@winston.com)  
333 South Grand Avenue  
Los Angeles, CA 90071-1543  
(213) 615-1700 – telephone  
(213) 615-1750 – facsimile

MCDERMOTT WILL & EMERY  
Steven G. Spears  
[sspears@mwe.com](mailto:sspears@mwe.com)  
1000 Louisiana Street, Suite 3900  
Houston, TX 77002-5005  
(713) 653-1700 – telephone  
(713) 739-7592 – facsimile

*Attorneys for Plaintiff Monsanto Company and  
Monsanto Technology LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 4th day of March, 2011 the foregoing was filed electronically with the Clerk of the Court for the United States District Court Eastern District of Missouri, Eastern Division, and served by operation of that Court's electronic filing system upon the following counsel of record:

Andrew Rothschild, Esq.  
C. David Goerisch, Esq.  
Lewis, Rice & Fingersh, L.C.  
500 N. Broadway, Suite 2000  
St. Louis, MO 63102

Leora Ben-Ami, Esq.  
Thomas F. Fleming, Esq.  
Christopher T. Jagoe, Esq.  
Howard S. Suh, Esq.  
Jeanna Wacker, Esq.  
Kaye Scholer LLP  
425 Park Avenue  
New York, NY 10022

Donald L. Flexner, Esq.  
Hershel Wancjer, Esq.  
Cynthia Christian, Esq.  
Robert M. Cooper, Esq.  
Boies, Schiller & Flexner LLP  
575 Lexington Avenue, 7th Fl.  
New York, NY 10022

James P. Denvir, Esq.  
Amy J. Mauser, Esq.  
Boies, Schiller & Flexner LLP  
5301 Wisconsin Avenue, N.W.  
Washington, D.C. 20015

*Attorneys for Defendants*

/s/ Joseph P. Conran .